

REMARKS

Claims 1-6, 8-14 and 16-19 are pending in this application. Claims 1, 5 and 11 have been amended in accordance with the Examiner's suggestion on page 7 of the January 6, 2009 Office Action. No new matter has been introduced.

Claims 1-3, 8, 9, 11, 12, 16, 17 and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins, Jr. (U.S. Patent No. 5,571,139) ("Jenkins") in view of Grafton et al. (U.S. Patent No. 5,964,783) ("Grafton '783"). This rejection is respectfully traversed.

The subject matter of claims 1-3, 8, 9, 11, 12, 16, 17 and 19 would not have been obvious over Jenkins and Grafton '783, considered alone or in combination. Applicants maintain all remarks and arguments regarding Jenkins and Grafton '783 as failing to teach or suggest the claimed limitation "suture eyelet" formed "of a strand of suture" (as set forth in the October 8, 2008 Amendment). Applicants also maintain all remarks and arguments regarding the lack of motivation of one skilled in the art would to combine the teachings of Jenkins with those of Grafton '783. In addition, the independent claims have been amended to recite an "insert-molded suture having an intertwined shape to increase the pullout strength of the suture from the anchor body," as suggested by the Examiner on page 7 of the January 6, 2009 Office Action. For these reasons, withdrawal of the rejection of claims 1-3, 8, 9, 11, 12, 16, 17 and 19 is respectfully requested.

Claims 10, 14 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins and Grafton '783, and further in view of Grafton et al. (U.S. Patent No. 6,319,270) ("Grafton '270"). This rejection is respectfully traversed.

The subject matter of claims 10, 14 and 18 would not have been obvious over Jenkins, Grafton '783 and Grafton '270, considered alone or in combination. None of the cited references, alone or in combination, discloses or suggests all limitations of amended independent claims 1 and 11. As noted above, Jenkins and Grafton '783 do not disclose all limitations of claims 1 and 11. Grafton '270 teaches a headed bioabsorbable tissue anchor with a flat head for engaging tissue and continuous thread spiraling around a tapering central core. Grafton '270 does not even teach a

suture eyelet or loop, much less a suture eyelet or suture loop having the characteristics recited in claims 1 and 11.

Applicants also maintain all remarks and arguments regarding the lack of motivation of one skilled in the art to combine the teachings of Jenkins with those of Grafton '270, as set forth in the October 8, 2008 Amendment. In addition, the independent claims have been amended to recite an "insert-molded suture having an intertwined shape to increase the pullout strength of the suture from the anchor body," as suggested by the Examiner in the January 6, 2009 Office Action. For these reasons, withdrawal of the rejection of claims 10, 14 and 18 is respectfully requested.

Claims 4 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Jenkins and Grafton '783, in view of Jackson (U.S. Patent No. 6,454,772). This rejection is respectfully traversed.

Jenkins, Grafton '783 and Jackson, alone or in combination, do not disclose or suggest all limitations of amended independent claims 1 and 11 and of dependent claims 4 and 13. As noted, Jenkins and Grafton '783 do not disclose all limitations of the claimed invention. Jackson fails to rectify the deficiencies of Jenkins and Grafton '783. Jackson teaches a "set screw for locking a first implant in position relative to a second implant," the set screw being inserted by rotating the screw 1 into rod 61 (col. 8, ll. 65-67; col. 9, ll. 1-3), and not an anchor which is provided with a suture loop disposed within the anchor and which is driven by employing a driver. Independent claims 1 and 11 have been also amended to recite an "insert-molded suture having an intertwined shape to increase the pullout strength of the suture from the anchor body," as suggested by the Examiner in the January 6, 2009 Office Action. Withdrawal of the rejection of claims 4 and 13 is also respectfully requested.

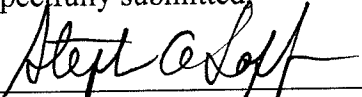
Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dreyfuss (U.S. Patent No. 6,652,563) in view of Grafton '783. This rejection is respectfully traversed.

Dreyfuss and Grafton '783, alone or in combination, do not disclose or suggest all limitations of claims 5 and 6. Dreyfuss teaches a threaded suture anchor with a body formed of metals such as titanium alloy, and not with a "bioabsorbable anchor body," as claim 5 recites. In addition, suture loop 122 and knots 125 are not "insert-molded" into the anchor, much less "insert-molded into the bioabsorbable anchor body" and having an "intertwined shape," as in the claimed invention. Grafton '783 fails to rectify the deficiencies of Dreyfuss. Grafton '783 does not disclose or suggest "a suture loop . . . disposed completely within the anchor body." Loop 11 of Grafton '783 (which would arguably correspond to the "suture loop" of the claimed invention) is located outside the hexagonal drive head 10 and outside the body 4, and not "completely within the anchor body," as in the claimed invention. In addition, independent claim 5 has been amended to recite that the first insert-molded suture has "an intertwined shape to increase the pullout strength of the suture from the anchor body," as suggested by the Examiner in the January 6, 2009 Office Action. For these reasons, withdrawal of the rejection of claims 5 and 6 is also respectfully requested.

Allowance of all pending claims is solicited.

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Respectfully submitted

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